Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number: Q78507

Mail Stop AF
Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Application Number	Filed
10/714,851	November 18, 2003
First Named Inventor: Satoshi ARAKAWA	
Art Unit: 2884	Examiner: Shun K. LEE

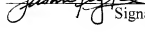
WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

☑ I am an attorney or agent of record.
Registration number 41,239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October 16, 2006
Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: Q78507
Satoshi ARAKAWA	
Appln. No.: 10/714,851	Group Art Unit: 2884
Confirmation No.: 3709	Examiner: Shun K. LEE
Filed: November 18, 2003	

For: RADIATION IMAGE READ-OUT APPARATUS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated April 14, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue. As of the Advisory Action dated August 28, 2006, claims 1, 2, and 4-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura (U.S. 4,780,376) in view of Neyens (5,517,034) and Bradley (5,043,991), claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Neyens and Bradley, and further in view of Research Disclosure 308117, claims 8 and 9 stand rejected under 35 U.S.C. § 112, first and second paragraphs, and claim 10 stands objected to as being allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claim.

§112 Rejection

In the Advisory Action dated August 28, 2006, the Examiner states "applicant argues that sufficient support for claim 8 and 9 may be found in pages 15-16 of the originally filed specification and that the rate of change of intensity in units of %/nm refers to the stimulable emission, not to the plurality of stimulating light projection means." The Examiner, however, alleges that pages 15-16 of the original specification do not disclose that the overall change in intensity of the stimulated emission to a given change of the wavelength of the stimulating light can be suppressed. The Examiner alleges that the specification discloses %, not %/nm. Therefore, the Examiner continues to reject claims 8 and 9 under §112, first and second paragraph.

Applicant respectfully submits that page 12, lines 4-23 discloses the relationship between a change in wavelength of the stimulating light and a change in the intensity of the stimulated emission, or % change/nm. Further, page 13, lines 12-25 discloses the equation for finding the rate of change of the intensity of the stimulated emission to a given change of the wavelength of the stimulating light (δa). On page 15, the rate of change of the intensity of the stimulated emission is described as a sum of intensity Ga and Gb, whereby δa and δb (which is figured the same as δa, but for a second stimulating light) are averaged. Each of these sections of the specification relate that rate of change of intensity of the stimulable emission is found as %/nm, and provide support for the invention claimed in claims 8 and 9.

In the Final Office Action dated April 14, 2006, the Examiner alleges that the rate of change in units of %/nm in new claims 8 and 9 is undefined since there exists a plurality of

different wavelengths. The rejection was maintained in the Advisory Action dated August 28, 2006.

Applicant submits that claims 8 and 9 satisfy 35 U.S.C. §112, second paragraph. Claim 3 recites a synthesized stimulating light source including the stimulating light of different wavelengths…so that the stimulating light of different wavelengths are simultaneously projected on the same position on the radiation image converter panel. Claims 8 and 9 recite that the rate of change of intensity of the stimulable emission is suppressed by cancellation when the plurality of stimulating light projection means fluctuate in wavelength. The rate of change of intensity in units of %/nm refers to the stimulable emission, not to the plurality of stimulating light projection means. It is therefore irrelevant that the rate of change of intensity in units of %/nm does not refer to a specific wavelength of the plurality of different wavelengths are recited in claims 3, 8 and 9 because the claimed rate of change of intensity is not descriptive of the plurality of different wavelengths. The rejection should be withdrawn.

Prior Art Rejections

In the Advisory Action, the Examiner maintains that claims 1, 2 and 4-7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nakamura (US 4,780,376) in view of Neyens (US 5,517,034) and Bradley (US 5,043,991) because the Examiner asserts that "the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; not is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teaching of

the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d, 413, 208 USPQ 871 (CCPA 1981)."

Applicants respectfully submit that the combined teachings of the references fail to suggest the invention claimed in claim 1. Bradley discloses that lasers tend to have a wavelength drift over a temperature range. Nakamura discloses that it is preferable to have a stimulable light source set such that stimulable emission from is maximized. However, the combined teachings then fail to teach or suggest that the stimulated emission given a change in wavelength of stimulating light is not larger than 1.0%/nm and is not smaller than -1.0%/nm. Bradley fails to teach the relationship between a change in intensity of the stimulable emission and the disclosed change in wavelength. Claim 1 recites "wherein the stimulating light projecting means projects, onto the radiation image converter panel, stimulating light in a wavelength range where the rate of change of the intensity of the stimulated emission to a given change of the wavelength of the stimulating light is not larger than 1.0%/nm and is not smaller than –1.0%/nm; and wherein the wavelength of the stimulable light fluctuates in a manner that would cause a change in the intensity of the stimulable emission" Because claim 1 recites a particular relationship between the wavelength of the fluctuation in the stimulating light and the intensity of the stimulable emission, claim 1 is patentable over the applied art. None of the applied references, Nakamura, Neycns, or Bradley, teach or suggest that the fluctuation in wavelength of the stimulating light is maintained such that the rate of change of the intensity of the stimulated emission is kept between -1.0%/nm and 1.0%/nm. Therefore, the combination of Nakamura, Neyens and Bradley fails to result in the claimed invention.

Conclusion

For the above reasons, Applicant submits that claim 1 is patentable over the applied art. Claims 2, 4-6 and 7 are patentable at least by virtue of their dependency from amended claim 1.

Claim 3 is dependent on amended claim 1. The Research Disclosure fails to cure the defects regarding amended claim 1 noted above in Nakamura, Neyens and Bradley. Therefore, Claim 3 is patentable at least by virtue of its dependency from claim 1.

Respectfully submitted,

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